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RIGHTS OF THE CHILD

Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Ofelia Calcetas-Santos

Addendum

Mission of the Special Rapporteur to the Lao People's Democratic Republic on the issue of trafficking of children (21-25 September 1998)

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Introduction

1. At the invitation of the Government of the Lao People's Democratic Republic (hereafter referred to as Laos), the Special Rapporteur on the sale of children, child prostitution and child pornography, visited Vientiane and Savannakhet from 21 to 25 September 1998, to study the issue of commercial sexual exploitation and trafficking of children in Laos.

2. The Special Rapporteur would like to take this opportunity to express her appreciation of the cooperation and assistance extended to her by the Government of Laos, enabling her to meet with representatives of the Government, United Nations agencies and international non-governmental organizations, and to obtain the necessary information and documentation to be able to report to the Commission on Human Rights in an objective and impartial manner.

3. The Special Rapporteur would also like to thank the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF) country offices in Vientiane for the logistical support provided in connection with her mission.

4. During her visit, the Special Rapporteur met with high-level officials of the Ministry of Labour and Social Welfare, the Department of Treaties and Legal Affairs, the Ministry of Justice, the Department of International Organizations, the Lao People's Revolutionary Youth Union, the Lao Women's Union, the Right Development and External Relations Department, as well as representatives of international non-governmental organizations and of UNICEF and UNDP.

5. A list of persons with whom the Special Rapporteur met during her mission is attached as annex I to the present report.

6. The now global problem of trafficking of women and children is of particularly serious gravity in the south-east Asian region, most especially in the Mekong river area. The Special Rapporteur chose to visit Laos because, although it does not appear to be as badly affected as the surrounding countries, she was keen to explore ways in which Laos could protect itself and its children from being similarly exploited as it begins to open its borders to trade and tourism.

7. In view of financial and time constraints, the Special Rapporteur was not in a position to visit as many places in Laos as would have enabled her to carry out a truly representative study of the various aspects and differing incidence of trafficking and commercial sexual exploitation of children, especially given the geographical situation of Laos as a land-locked country sharing borders with five countries. The Special Rapporteur, therefore, chose to visit Vientiane in order to meet with relevant governmental departments and agencies, and Savannakhet, as an example of a border town situated on the Mekong river, to assess the implications of cross-border traffic between Laos and Thailand.

I. REGIONAL SITUATION

8. Prostitution emerged as a major source of revenue in the larger cities of South-East Asia, notably Bangkok, during the late 1960s and early 1970s, when United States servicemen on leave from the Viet Nam war would visit the surrounding countries. After the war, Thailand, especially, retained its reputation as a sex centre, with the majority of patrons coming from Japan, Europe and to a lesser degree, the United States. Even now, it is contended that ex-servicemen may be operating as many as 30 sex tours that take men from the United States to Thailand and surrounding countries. 1/

9. A recent report issued by the International Labour Organization 2/ claims that prostitution in South-East Asia has grown so rapidly that it is now one of the region's major employers, with revenue from the "industry" accounting for between 2 and 14 per cent of gross domestic product in Indonesia, Malaysia, the Philippines and Thailand, and involving between 0.25 and 1.5 per cent of the total female population of the four countries. Given the current economic crisis in the region, "sex tourism" has become an even cheaper attraction for foreign visitors, and the use of children in prostitution could further increase as poverty and unemployment caused by the crisis result in an increased breakdown of the traditional family unit, leaving larger numbers of children to fend for themselves.

10. All six countries of the south-east Asian peninsula (China, Cambodia, Myanmar, Viet Nam, Thailand and Laos) have been affected by the trafficking of women and children, and by their exploitation through prostitution.

China

11. In certain regions of China, most notably in the south, the traditional preference for a boy child has contributed to a serious imbalance in male/female birth ratios. This has created a situation where the demand by men for marriageable women cannot be met by local brides. Some families address the problem by recruiting women in economically less advanced areas, or looking for girls from other countries, including Laos. The abduction of young women and girls is a serious and growing problem as many criminal gangs operate, kidnapping or tricking women by promising them jobs and an easier way of life and then transporting them far from their home areas for delivery to buyers. On arrival, these women are forcibly married into their new families and raped. Reports indicate that these practices are growing, despite the Government of China continuing to condemn and punish those involved and to take steps to prevent such abductions.

Cambodia

12. The ILO study 3/ concluded that since 1990 at least 3,000 Vietnamese girls have been smuggled into Cambodia for prostitution and that more than 15 per cent of them were under 15 at the time of being smuggled. In Phnom Penh, the red light district is primarily serviced by Vietnamese girls between the ages of 15 and 18 who are bought from their parents, relatives or traffickers and then have to work to repay this money plus other expenses incurred whilst travelling from Viet Nam to Cambodia. After all the debts have been paid off, the girls may earn between $2 and $3 per customer, after

the brothel owner has taken his or her percentage. Local and Vietnamese men are among the customers, as well as men from Singapore, the United States, China and Malaysia.

13. The study also found that trafficking for begging was a new trend in Cambodia and Thailand, with some 500 Cambodian children known to be involved in begging in Thailand. Trafficked children were also found on construction sites and in factories. In 1996, almost 200,000 foreign children, mostly boys from Myanmar, Laos and Cambodia, were thought to be working in Thailand.

Viet Nam

14. As well as to Cambodia, Vietnamese women and children are trafficked to other destinations. In July 1998, a Taiwanese man was arrested at Tan Son Nhat International Airport in Viet Nam, as he was leaving for Taiwan with a suitcase full of pictures and personal documents of 400 Vietnamese women. He had allegedly travelled to Viet Nam many times to organize a network selling Vietnamese women to Taiwan. These women were usually young girls from the countryside, lured by the prospect of a marriage with a wealthy Taiwanese businessman.

15. The Special Rapporteur had intended to look at the issue of trafficking from the perspective of two countries with a common border and to this end had made a request to the Government of the Socialist Republic of Viet Nam to visit the country for one week immediately preceding the visit to Laos. The Special Rapporteur regrets that the Government of Viet Nam did not extend an invitation for her to visit, as she feels that such a visit would have been of benefit to both Governments and would have made this report more representative of the varying problems faced by the countries in this area.

Myanmar

16. It is difficult to estimate the scale of trafficking and prostitution in Myanmar as much of the trade is extremely secret, with many young women frequently moving house or being brought directly to clients at night under the control of different madams or pimps. As with the other countries under discussion, some women are forced to enter prostitution to support their families, whereas others have taken it up while trying to make a living on the streets. However, the number of prostitutes has increased dramatically in response to the economic and social upheavals that have taken place in Myanmar since 1988, leaving women in particular in an economically, socially and legally disadvantaged position. Over 100 brothels are reportedly operational in the Hpakhan jade-mining area alone.

17. A large number of Myanmar women are also working as prostitutes in Thailand. They have usually entered Thailand illegally, which, coupled with their inability to speak the Thai language, means that they usually end up working in the cheapest brothels, where the HIV/AIDS infection rates are up to 90 per cent. Many different factors induce women from Myanmar to work as prostitutes in Thailand. Some have been lured into the country, while others are forced. Nearly all come from poor backgrounds and lack educational opportunities. A majority are thought to be from ethnic minorities. 4/

Thailand

18. Thailand is the primary destination for the thousands of women and children who are recruited for the purposes of sexual or economic exploitation throughout the region. Although most of these individuals remain in Thailand, many are trafficked on to other, more affluent countries, such as Japan. In recent years the Government of Thailand has initiated several measures to improve the situation, arresting brothel owners and customers rather than prostitutes, making sex with a child subject to prison and fines, and giving a number of "high risk" girls scholarships to boarding schools.

II. COUNTRY SITUATION

19. A former French colony, the country gained independence in 1953 and was established as the Lao People's Democratic Republic on 2 December 1975. Situated in the centre of the south-east Asian peninsula, Laos is land-locked and shares borders with Viet Nam, Thailand, Cambodia, China and Myanmar. It covers an area of 236,800 sq km and has a population of approximately 4.5 million. The capital, Vientiane, has a population of 500,000.

20. Until the end of the 1980s, Laos was fairly isolated even from its immediate neighbours. Very little trade took place with other countries and there was virtually no travelling in or out of Laos either by Lao citizens or foreigners. Even as recently as 1994, a laissez-passer system existed within the country. Lao citizens could not travel between the provinces unless they could prove a valid reason for their journey; and even government servants needed this laissez-passer. In 1994, the Government lifted domestic travel restrictions for citizens and foreign visitors except in unspecified prohibited or insecure areas. Most Lao can now easily obtain passports and exit permits from the Ministry of Foreign Affairs for personal travel abroad. Border crossing permits for Lao to visit Thailand are available from local village committees for a small fee and the Government allows people to emigrate.

21. Laos is one of the least developed countries in the south-east Asian region, particularly compared with Thailand, the neighbour with whom it shares the longest border (2,069 kms) and with which it has the closest links culturally and linguistically. About 85 to 90 per cent of the population works in the agricultural sector, but over the past decade, economic reforms have led to the growth of a market economy open to foreign investment. Laos, which became a member of the Association of South-East Asian Nations (ASEAN) in July 1997, is going through a very intensive process of rapid change, both economically and socially, and is starting to enter into commercial ventures with the surrounding countries.

22. Given the centrally located geographic position of Laos, bordered by five countries, it is uniquely placed to provide major economic routes in the region. The Lao road network totalled just 13,300 km in 1994 and was of poor quality, only 20 per cent being paved. During the rainy season, the remaining 80 per cent could often become impassable. By 1996, the network had almost doubled to 22,321 km and a vigorous programme of road construction is continuing throughout most provinces. From being land-locked, it is becoming land-linked as two major roads are being constructed in the region, from north

to south (from China to the sea south of Cambodia) and from east to west (from Luang Prabang in Laos to Thailand). These two roads will link all six countries. A bridge being constructed over the Mekong river will link Savannakhet in Laos with Thailand. Electrification grids are being established in rural areas. The Government estimates that in five years' time, most communities will have been reached by the new infrastructure.

III. THE GOVERNMENT

23. The Government of Laos operates on three levels: provincial, district and village.

24. Following the World Summit for Children in 1990, the Government signed the Declaration and Plan of Action of the Summit, committing itself to the survival, protection and development of children in the 1990s. The National Commission of Mothers and Children was set up under the chairmanship of the Deputy Prime Minister, charged with the protection, care and education of children in Laos. Its main tasks are to assist the Government in determining and implementing policies to promote the protection and care of mothers and children and help provinces coordinate their activities in child issues. It established a National Plan of Action (NPA) for children and follows up, evaluates and reports on the progress in implementing the NPA. The National Commission has now been supplemented by provincial- and district-level Commissions for Mothers and Children.

25. The Lao Women's Union (LWU) is the arm of the Government working with women in Lao development and representing women's rights. It has equal status with government ministries, and its head has equal rights and responsibilities with the heads of other ministries. The LWU has branches from the central to the grass-roots level and has led various movements, including campaigns to advise families as to the best ways to live, promote the programme of immunization and raise awareness and educate women about the importance of birth spacing.

26. The LWU works with international organizations such as UNICEF on issues of the role of women in development, health, income generation, increase of income earning ability through projects such as pig and chicken raising and traditional crafts.

27. The LWU is also involved in children's rights, and as such works closely with the Lao Youth Union (LYU), the governmental department responsible for child and youth issues.

IV. THE LEGAL FRAMEWORK

28. Laos became a party to the Convention on the Rights of the Child on 7 June 1991, shortly before the Constitution of the Lao People's Democratic Republic came into effect by Presidential Decree No. 55/PO of 15 August 1991. Article 20 of the Constitution provides for policy implementation on mother and child issues. The Family Law came into effect by Presidential Decree No. 97/PO of 25 December 1990; it stipulates the responsibilities and commitments of parents towards children.

29. The penal law defines children as all those under 18 years. Children aged 1 to 15 years are absolved from any penal responsibility, but article 48 lists the special measures to be applied to children aged 16 to 18.

30. Under Laotian law, the minimum age for marriage is 18 years under normal conditions, 15 to 18 years in special cases, and in no case less than 15 years. The law provides specific punishments for acts of sexual abuse of children, and metes out 5 to 10 years' imprisonment to those found trafficking or abducting any person. The testimony of the victims and their families is accepted as legal evidence and proven offenders are jailed and fined.

V. THE SITUATION OF CHILDREN

31. The Special Rapporteur regrets that she was not able to obtain any specific data on the number of children who are victims of commercial sexual exploitation and/or trafficking in Laos. The situation of children who are at risk or are victims of such exploitation or trafficking is, for most purposes, usually considered under the more general category of "Children in especially difficult circumstances" (CEDC). In 1995, the Ministry of Foreign Affairs designated the Ministry of Labour and Social Welfare as focal point to implement a project for such children. The project, also coordinated by the Lao Women's Union and the Lao Youth Union, is funded by UNICEF, Save the Children Fund UK, and the Church World Service (CWS). The objectives of the project are to assist and rescue children who are in especially difficult circumstances, to seek ways to protect children, to promote the implementation of children's rights, to tackle social problems and to build up human resources. This is being approached through the training of a core group of district-level government workers in basic skills to enable them to respond more effectively to the needs of these children.

32. Children in the following categories have been identified as being in especially difficult circumstances: those with narcotic addictions, including glue-sniffing; those who have dropped out of school; those with "bad behaviour"; those who have committed acts of theft; beggars; those working as waitresses in nightclubs; those in prostitution; and others with "difficulties".

33. The initial target of the project was to collect data on CEDC in four villages in the Sisatanak district of Vientiane municipality between October and November 1995, as a pilot project for social action research. This having been completed, the next stage was to assist those so identified in a variety of ways, including by providing a budget and educational equipment to help the children carry on studying, and by arranging vocational training for older children, such as automobile mechanic training and beauty/hairdressing training. It is intended to extend the project to all the provinces of Laos.

34. The CEDC project has also involved the convening of conferences at central and district levels, the objectives being to inform the public about the circumstances of children and about commercial sexual exploitation both globally and in Laos, in order to raise awareness to implement various measures to protect the rights of children.

35. One of the main difficulties facing children is the lack of access to education. Although most villages have a primary school for grades 1 to 3, children generally have to go to another town to continue their education at a higher grade. Even in the seven districts of Vientiane there is very little access to high school. The lack of education and vocational opportunities beyond the primary and secondary levels often leaves the children with nothing to do except work at home, keeping chickens and herding cattle, and most of those interviewed by the Special Rapporteur were of the opinion that the resultant boredom and desire to earn money combine to provide a strong inducement to travel across the border.

36. Even the public behaviour of children is starting to change. The Lao are generally very peaceful people and are rarely involved in acts of violence. However, there are currently grave concerns about violence starting to erupt in schools and the emergence of gangs. Narcotic addiction and glue-sniffing among children, mostly boys, poses a growing problem.

37. Child involvement in commercial sex is not very apparent in Laos. However the Special Rapporteur received reports that there are some establishments that may have clandestine operations in this respect. There are also some reports that children as young as 12 to 14 years of age have been used in the production of pornographic films subsequently brought out of the country. The Special Rapporteur remains gravely concerned that Laos could increasingly become exposed to the phenomenon as it transforms from a centrally planned to a market economy.

VI. THE SALE, TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

38. The situation with regard to trafficking is quite different. Environmental and geographic factors play an important role in facilitating the flow of human movement from Laos into Thailand. The same factors restrict the flow into other countries.

39. Along a large part of the very long border which Laos shares with Thailand, the two countries are divided only by the Mekong river and people find it very easy to cross from one side to the other. During the dry season, the river is very low, and it sometimes almost completely dries up, at which point people are able to walk across. This is particularly problematic in the north, where the river is especially narrow.

40. The main trafficking into Thailand appears to occur in the regions from Vientiane to Savannakhet, but as these were the areas for which the most information was made available to the Special Rapporteur, it is difficult to provide an accurate comparison with the situation in the other regions of Laos.

41. It would appear that the children living in central, rural areas of Laos may not, at the moment at least, be facing the same risks, given the relative remoteness and inaccessibility of the regions in which they live and the fact that travelling, even between provinces, continues to be especially unusual

for people living in rural areas. The north and north-eastern regions of Laos are mountainous and heavily forested, and there is very little access to them by road.

42. Another factor currently limiting the flow of movement in some parts of southern and eastern Laos, especially around the borders with Cambodia and Viet Nam, is the extensive presence of unexploded ordinance (UXO), which is estimated to amount to 3 tonnes per head of the total population of Laos. Certain areas are virtually impassable. These parts of the country are similarly affected by landmines and the infrastructure there has remained undeveloped because of these inherent dangers.

43. The Special Rapporteur received reports about the presence of recruiters in some villages, especially in Savannakhet province, who entice children and/or their parents with stories about persons who have crossed the river into Thailand and are reported to be earning substantial amounts of money. Consequently, many children cross the Mekong river, either with traffickers or on their own. Lack of information as to the dangers that are likely to await such children often means that parents are not overly concerned when their children choose to leave Laos, and in some cases the children come home with money for their families.

44. What little information is available about the ultimate fate of Lao children in Thailand, from the repatriation programmes of the International Organization for Migration (IOM), from newspaper reports and from the stories of those who have returned, suggests that many children are sold into prostitution rings or into virtual slavery on construction sites, in factories and in shops.

45. One newspaper reported how two Lao girls from Khammouane province, who had been lured to Thailand to work illegally, were forced to work 22 hours a day, were put under hot showers to keep them awake and, when they tried to escape, were forced by their employer to swallow insecticide as a punishment. After hearing of their plight, the director of the Consular Department of the Ministry of Foreign Affairs of Laos urged the administration of the border provinces to step up a campaign to warn young people of the dangers of going to work across the borders through illegal channels. 5/

46. No information was available regarding Lao babies being trafficked for adoption, or the percentage of children who have made successful lives for themselves outside of Laos, earning money in non-exploitative situations.

47. Although the present report focuses mainly on the trafficking of children from Laos into Thailand, Thailand is not the only destination country of children in the region. There are many allegations that it is also being used as a transit country, through which South-East Asian children are trafficked to third countries, such as Japan and countries in the West. In particular, five cases were reported involving Lao girls who were invited by Japanese men to go sightseeing with them. They were brought on Thai passports to Japan, where they were sexually exploited for several years.

48. It is very difficult for such children to report their plight to the local police, as they have entered the country illegally and are likely to

receive the same treatment as illegal immigrants. The Special Rapporteur received one report of two Lao girls who were caught as illegal immigrants in Thailand and were imprisoned in a cell with male prisoners, who sexually abused them. 6/

49. In Thailand, when the police are sympathetic towards children whom they find in such circumstances, non-governmental organizations such as End Child Prostitution, Child Pornography and Trafficking (ECPAT) can become involved in the child's case and begin the process by which the child can be returned home. IOM often facilitates the logistical arrangements for returning an illegal immigrant across the border and when the child has returned to Laos, organizations such as CWS will try to help the child, ensuring that if a child is put in detention, he or she has a place to go immediately upon release, and does not fall straight back into the hands of the recruiters.

50. Although it is difficult to avoid the possibility that such children will return to Thailand, CWS operates various projects for children in detention, including teaching them skills such as making baskets, mats, or serviettes, in order to provide them with viable alternative ways to earn money. In a preventative approach, similar projects are carried out for children who are still at school. The children may go to weavers and carpenters in their home villages to learn various skills, and after-school activities such as dance clubs have been established to occupy the children's leisure time. Unfortunately, the activities of the non-governmental organizations are very restricted by a shortage of staff and resources.

VII. CASE STUDY OF SAVANNAKHET

51. The Special Rapporteur visited Savannakhet province with the objective of studying the implications of cross-border trafficking between Laos and Thailand for the purposes of labour and prostitution. Savannakhet has an area of 21,774 km and is located in the southern part of Laos. To the west is a 200 km stretch of the Mekong river, which forms the border with Thailand's provinces of Mukdaharn, Nakhonpanom, Ubol Rasathani and Anatchalern. Savannakhet is divided into 15 administrative districts and has 1,500 villages.

52. Whilst in Savannakhet, the Special Rapporteur met the Governor of the province, officials from the Lao Youth Union and the Lao Women's Union of Kanthapoly district, and representatives of the village of Ban Naxeng.

53. The Special Rapporteur was informed that the Provincial Youth Unions and the non-governmental organization Redd Barna have undertaken some studies relating to the CEDC project, focusing on 15 villages out of the 94 in Kanthapoly district. The preliminary findings of the study, which are currently being analysed at the central level, indicate that there are problems with children crossing the river to go to work in Thailand and that many children and young people in Kanthapoly are out of work, similar problems faced by other provinces along the Mekong river. In one of largest villages in Savannakhet, with a population of about 1,800, it was reported that between 50 and 100 children had left home to work in Bangkok over the past couple of

years. A member of the National Commission for Mother and Child reported that as many as 5 per cent of children in the border towns and villages cross the river to Thailand.

54. The villagers of Ban Naxeng explained that children cross the river as a result of different factors. In some situations their parents encourage them to go, whilst others go after being influenced by organized groups of recruiters who come from Thailand to try to encourage the children to cross. They forge the necessary papers for them and then deliver them to work in Thailand. For the children from Kanthapoly who go to Thailand, it was reported to the Special Rapporteur that the most common form of recruitment is through a relative coming from the other side of the river and recruiting two or three, mainly girls.

55. The situation of children crossing to Thailand is partly seasonal in that many children go during the summer holidays from school. Sometimes they only go for a month and then come back. Many do not return, but of those who do, some then share their experiences and boast to other children about the money that they made, thus encouraging them to go during the following summer holiday. Many of the "bad influences" now being experienced in the region, such as glue-sniffing by children, are said to have been introduced by returning youngsters.

56. Most of those interviewed by the Special Rapporteur were in agreement that the nature of the work ultimately undertaken by the children who leave the district is unknown. Of the few children who are able to send money back to their parents, it is known that they are working in factories and bakeries in Bangkok and the surrounding provinces, and sometimes even in the provinces just across the river.

57. One report detailed the story of a boy who had been working in a shop and who was sent home after he was hit by a car and broke his legs. Another girl was beaten almost to the point of being disabled, and a small factory in Bangkok forced many children to work 14 to 15 hours a day in a cramped sitting position, which left many of them crippled. 7/

58. Many young people from other parts of Savannakhet province are attracted to Kanthapoly as it is the provincial capital district, and they believe that they will have more opportunities there. It is believed that some of these young people may be involved in prostitution within the district. But, being away from their families puts them in a particularly vulnerable position when approached by recruiters from abroad.

59. There are reportedly no brothels in Savannakhet. The Provincial Youth Unions try to ensure that young people are not involved in illicit activities by checking places that young people frequent, such as discotheques, small restaurants, bars and shops selling alcohol, but they consider that there is a strong possibility that prostitution does take place on such premises.

60. The situation regarding the lack of access to education was confirmed during the Special Rapporteur's visit to Savannakhet. The one school in Ban Naxeng has been divided into morning and afternoon groups in its attempt to accommodate all the children of the village, thus halving the time spent in

school for those who receive education. Even this half-education is only available to primary and secondary school children, and not only do both age groups attend the same school, but children in the neighbouring four villages also come to school in Ban Naxeng. Beyond the secondary level, even the provincial districts are not able to accommodate all the needs of the children.

61. Attendance at school is compulsory at the primary and secondary levels, although there is no penalty for parents who do not send their children to school. Of those who attend school, 70 per cent are girls, as there is more work at home, such as tending animals, for boys than for girls. Those children who have time for recreation normally meet and play by the temple.

62. The main difficulties with regard to how children will occupy their time comes after the compulsory three years of secondary school have ended. Very few children have access to vocational schools or university. The majority have only general knowledge, which does not qualify them to do much other than work in the fields or in labouring jobs. Many grow food or raise chickens, but do not have any opportunity to learn about the commercial side of such ventures.

VIII. AREAS OF PARTICULAR CONCERN

63. At the present time, reports of Lao children ending up in particularly abusive situations are comparatively unusual as compared with the other countries in the south-east Asian peninsula, but considering the otherwise very welcome growth of industry in Laos and the development of the infrastructure, this could be set to change, and the Special Rapporteur has several primary concerns:

(a) That there will be a significant increase in the number of workers coming into new regions, which would bring with it the risk of prostitution. Development is placing heavy demands on the supply of efficient manual labour and skilled workers and much of this demand is being met by foreign nationals, mainly Vietnamese and Chinese. The demand for commercial sex is likely to increase as many of these migrant workers would be away from their spouses for long periods.

(b) That the influx of people into previously isolated communities will bring in certain negative influences which the communities are not adequately prepared for. In interviews with the Special Rapporteur, persons from various sectors of society expressed concern that children and their parents are vulnerable to temptation to leave their homes owing to false promises of better opportunities elsewhere. The opening up of the roads would be likely to affect particularly the smaller ethnic minority groups who may be the least prepared to cope with the impact of the changes upon their lives.

(c) That the new infrastructure would facilitate the trafficking of children through and out of Laos to all the surrounding countries.

(d) That there could be a negative side to the contribution made by tourism to development in Laos. Joining ASEAN has led to an easing of visa restrictions and tourism is continuing to grow at a steady rate. The

Government has designated 1999 as "Visit Laos Year" and new hotels and airports are being put in place to accommodate the anticipated increase in the number of tourists. The Special Rapporteur is concerned that while the country is preparing itself structurally for tourism, it may not have prepared itself for the dangers and negative impact that will accompany the benefits of this growth, especially with regard to the protection of children.

(e) That Laos may be perceived as a new alternative to the more traditional destinations for "sex tourists", such as Thailand and the Philippines, both of which are increasing measures to combat sex tourism. These measures include heavier penalties for abusers, the adoption of legislation on extraterritoriality, and extradition agreements with traditional countries of origin of the abusers to make it harder for sex tourists to visit their countries, abuse their children and then escape with impunity. This development may cause sex tourists to explore new areas, like Laos, which may be perceived to be more hospitable.

IX. CONCLUSIONS AND RECOMMENDATIONS

64. The Special Rapporteur considers that Laos has the advantage of still being in a position to concentrate on preventive measures to protect children from exploitation and abuse. However, if these measures are not put in place very rapidly and unless the Government gives them priority and adopts coherent programmes of activities, the country may find itself in much the same situation as some of its neighbours in Asia that are afflicted with a conflagration of child exploitation and abuse.

65. The Special Rapporteur would encourage a search for initiatives that are particularly suited to the unique situation of Laos. The traditional border control initiatives used in other countries may not be very effective in Laos, given the length of the border and the easy entry and exit, especially into Thailand. Methods of education and dissemination of information other than the regular media (newspapers and the radio) may have to be explored considering the topography and the lack of resources of the country.

66. The following are recommendations for action:

(a) The establishment of accessible schools coupled with training of qualified teachers, at least at the primary and secondary levels;

(b) A nationwide and sustained information campaign on the risks of trafficking, the practices of recruiters and the circumstances in brothels, on construction sites or in other kinds of servitude must be conducted to enlighten parents and children alike. As long as information about the profitable prospects of working in another country and the success stories of returnees is more convincing than information about the related risks and dangers, young people will be gullible victims of traffickers.

(c) This information must be targeted to reach the different sectors of society as widely as possible: parents, children, policy makers, business sectors and immigrant workers alike.

(d) The Lao Women's Union, the Lao Youth Union, the village leaders and other sectors of society should be mobilized to carry out the above information campaign so that it would reach the remotest parts of the country.

(e) There should be allocation of responsibility and accountability to the villages to protect their own children through monitoring and vigilance in guarding against recruiters and traders.

(f) An inventory of the legislation especially that affecting children's rights and protection should be made, with the object of determining gaps that need to be filled, either by the introduction of new laws or by amending or repealing existing laws. The sale and trafficking of persons, most especially children, must be unequivocally condemned as being an affront to human dignity, and this must be reflected in penal laws punishing the offenders.

(g) Bilateral or multilateral cooperation must be achieved with the countries sharing borders, particularly Thailand, including institutionalized and systematic exchange of information, in order effectively to prevent children from crossing the borders and to protect those who have already done so from victimization.

(h) All government programmes aimed at economic development must be reviewed to ensure that children are not sacrificed in the process.

(i) Particular attention must be paid to the ethnic minorities, whose children will be particularly vulnerable not only to outside influences but also to the rapid changes within the country.

(j) Livelihood programmes for out-of-school youth must be instituted with the cooperation of the business sector, not only as a means of giving support to the children but also as an effective deterrent to their becoming involved in any kind of narcotic addiction.

(k) The State in the territory of which trafficking takes place or where a trafficked child is found must take all the necessary steps to prosecute all the perpetrators;

(l) The legislative framework must be enacted for cooperation with national non-governmental organizations, as indispensable partners in child protection.

Notes

1/ "Thai sex trade traps 'nonexistent females'", Chicago Sun Times, 26 July 1998.

2/ ILO, "The Sex Sector": The Economic and Social Bases of Prostitution in Southeast Asia, August 1998.

3/ Ibid.

4/ Article XIX, "Fatal silence? Freedom of expression and the right to health in Burma".

5/ "Two girls rescued from Bangkok sweatshop", Vientiane Times 19-25 July 1996.

6/ Vientiane Times, 14-16 January, 1998.

7/ "Lao children in danger", Vientiane Times, 19-21 March 1997.

Annex

LIST OF PERSONS WITH WHOM THE SPECIAL RAPPORTEUR MET DURING HER MISSION

Vientiane

Khammoune Souphanthong
General Director, Social Welfare Department
Ministry of Labour and Social Welfare

Phetduangchanh Ekbanlang
Deputy Director, Planning and Cooperation Division
Ministry of Labour and Social Welfare

Amphayvanh Vilaychaleun
Deputy Director, Social Welfare Department
Ministry of Labour and Social Welfare

Ket Kiettisak
Deputy Minister of Justice

Phoukhao Phommavongsa
Deputy Director, General Department of Treaties and Legal Affairs
Focal point for human rights

Mr. Sukala
Lao Committee for Children

Khonepheng Thammavong
Deputy Chief Director, Department of International Organizations

Khamphamay Sennouvong
Chief of International Affairs
Comité Central de L'Union de la Jeunesse Populaire Revolutionaire Lao
(Lao Youth Union)

Vilaseng Sathongnot
Director, Pioneer Department
Lao People's Revolutionary Youth Union

Lao Women's Union
Department of Women's Rights and Interests

Khamla Xaysombath
Deputy Director, Right to Development and External Relations Department

Khamkhong Phimmachack
Staff member of Right to Development and External Relations Department

Xuyen Thi Dangers
Programme Assistant for Social Development
Church World Service

K.C. Krishna
Programme Advisor (education) Redd Barna/Save the Children Norway

Valthana Manoroth
Preschool Project Manager
Save the Children Fund UK

Pricha Petleung
Radio and Community Mobilization Specialist
UNICEF

Titta Maja
UNDP

Anne Glad Fredriksen
Programme Officer UNDP

Curtis Hundley
UNDP

Patrica Mahoney
United States Embassy, Vientiane

Pricha Petlueng
UNICEF

Tony Lisle
UNAIDS

Maurice Japted
UNICEF

Jacqui Badcock
United Nations Resident Coordinator

Jeffrey Avina
UNDP Resident Representative a.i.

Savannakhet

Inpong Khai Yavong
Governor of Savannakhet

Linhsaythanome Phrasavath
Secretary, Lao Youth Union Executive Committee

Mr. Somchanh Chuangbaykham
Savannakheth

Mr Vilaseng Sathongnot
Director, Pioneer Department
Lao Youth Union

Mrs. Onechanh Phetchantharath
Head of Pioneer Training
Lao Youth Union

Ms Phianthanom
Vice-Secretary of Savannakhet Province

Mrs. Linhsay Thanom
Secretary of Kanthapoly District
Lao Youth Union

Dr. Vanhmany

Mr. Phetduangchannh

Mr. Vinay
Head of Ban Naxeng Village

Mr. Inthone
Head of Ban Naxeng Village Youth Union